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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/682,701
Filing Date: October 8, 2001
Appellant(s): JANDASEK et al.

John S. LeRoy
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 27, 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct

(4) Status of Amendments After Final.

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct

(5) Summary of the Invention.

The summary of the invention contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon.

6,775,647	Evans	2/2000
5,249,120	Foley	1/1991

(9) Grounds of Rejection.

The following grounds of rejection are applicable to the appealed claims:

Claims 1- 16, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US Patent 6,775,647) in view of Foley (US Patent 5,249,120).

As per claim 1

Evans et al ('647) discloses a system for generating a cost estimate, the system configured to:

output a first value chain for the at least one item by the item's constituent component(s) and supply tier wherein the value chain includes an image and burden information for the at least one item and each of its constituent components. (Figure 16, Column 7, lines 19-29 [a cost model for the component is constructed, it includes the price of each part])

Evans does not explicitly disclose "receive input specifying at least one item to add to a cost estimate wherein a burden associated with the at least one item is automatically added to the cost estimate" Foley discloses "receive input specifying at least one item to add to a cost estimate wherein a burden associated with the at least one item is automatically added to the cost estimate" (Figure 1; Column 7, lines 5-17, [the user can change parameters in the database which includes adding items]) it would be obvious to one of ordinary skill in the art at the time of the invention to combine the Evans system with the Foley system in order to allow modifications to the part being manufactured without redesigning the whole system.

Claims 12 and 19 are in parallel with claim 1 and are rejected for the same reasons.

As per claim 2,

Evans et al ('647) discloses the system of claim 1

additionally configured to output an embedded value chain associated with an item displayed in the first value chain wherein the embedded value chain is illustrated by supplier tier and includes an image and burden information for at least one item within the embedded value chain.(Column 2, lines 8-14; Figure 2)

Claim 13 is in parallel with claim 2 and is rejected for at least the same reasons.

As per claim 3,

Evans et al ('647) discloses the system of claim 1

additionally configured to expand and decrease a level of detail for the burden information associated with the at least one item. (Figure 12)

Claim 14 is in parallel with claim 3 and is rejected for at least the same reasons.

As per claim 4
Evans et al ('647) discloses the system of claim 1
wherein the burden information associated with the at least one item includes design cost information. (Column 5, lines 19-30)

As per claim 5
Evans et al ('647) discloses the system of claim 1
werein the burden information associated with the at least one item includes controls cost information. (Column 5, lines 19-30)

As per claim 6,
Evans et al ('647) discloses the system of claim 1
additionally configured to receive input defining a labor rate structure used in calculating burden information for the cost estimate. (Figure 21)

As per claim 7
Evans et al ('647) discloses the system of claim 1
additionally configured to output the cost estimate in a format similar to a supplier's cost estimate format. (Figure 21)

Claims 16 and 20 are in parallel with claim 7 and are rejected for at least the same reasons.

As per claim 8
Evans et al ('647) discloses the system of claim 1
wherein the cost burdens associated with the items included in the cost estimate and value chain are populated based on a database of cost burdens. (Column 4, lines 34-37)

As per claim 9
Evans et al ('647) discloses the system of claim 8
wherein the cost burdens maintained within the database are globally updated based on an index value which reflects fluctuations in market pricing for items included in the database. (Column 4, lines 53-56)

As per claim 10
Evans et al ('647) discloses the system of claim 9
wherein the index is calculated based on price fluctuations experienced in a subset of items generally representative of other items maintained in the database. (Column 4, lines 53-56)

Claims 15 and 23 are in parallel with claim 10 and are rejected for at least the same reasons.

As per claim 11

Evans et al ('647) discloses the system of claim 8
wherein the database of cost burdens include negotiated, best-in-class and off-the-shelf costs for at least one item. (Column 4, lines 22-33)

As per claim 21,
Evans et al ('647) discloses the system of claim 21.
additionally comprising a means for reducing and expanding a scope for the value chain. (Figure 12)

As per claim 22
Evans et al ('647) discloses the system of claim 19 additionally comprising:
a means for outputting a plurality of burdens associated with the at least one item; and a means for expanding and reducing a level of detail in which the plurality of burdens are output. (Figure 12)

(10) Response to Argument.

First Issue

The Appellant states that neither the Evans nor the Foley references teach or suggest outputting or otherwise displaying a value chain for an item comprising a display of the item's component parts organized by supply tier, each part including an associated image and burden information.

The Examiner responds that the Evans references does teach this claimed feature, as cited in the prior action, Column 7, lines 19-29 of Evans discloses " a process –oriented approach is used to generate a cost model for a family of parts", Figure 16 further discloses a a list of part, and associated cost and weight of raw material used. The examiner contend the in view of the broadest reasonable interpretation of the claimed invention the raw material disclosed in Figure 16 of Evans constitutes a "supply tier" further the labor hours and total input material cost associated with each part constitute "burden information. The examiner further states that although not explicitly stated in the prior action there are numerous images in the Evans refernce such as Figure 19.

Second Issue

The Appellant states that the Evans and Foley references also fail to teach or suggest "embedded value chain" aspect of the invention recited in dependent claims 2 and 13, and functionality for reducing and expanding a scope for the value chain as recited in dependent claims 3, 14, 21 and 22.

The Examiner responds that the Evans references does teach this claimed feature, as cited in the prior action, Column 2, lines 8-14. The examiner contends that the term "embedded value chain" has no special definition in the specification of the present application that the term "embedded value chain" refers to the value of the materials utilized in making the specified part. Evans states in Column 2, lines 8-14 that "the manufacturing cost for part

design is estimated using a process oriented approach. Using this method the cost impact for a part design is estimated." The examined submits that the estimation of cost impact is analogous to an embedded value chain because both process derive the value of the part.

The Examiner states that Figure 12 demonstrates a "drill down" functionality into the design aspects of each part and meets the limitation of expanding the detail for burden information because particulars involving the mechanics of the part design become more detailed with each successive drill down window.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained,

Respectfully submitted
John M Winter

Examiner

Art Unit 3621

JMW
March 1, 2006

Conferees;
James Trammell
Hyung Sough